IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1792 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

EXECUTIVE ENGINEER

Versus

MAJOOR MAHAJAN SANGH

Appearance:

MR ND GOHIL AGP for Petitioner

MR HARIN P RAVAL for Respondent No. 1

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 16/02/2001

ORAL JUDGEMENT

By means of this petition the award dated 17-10-1987 passed by the Industrial Tribunal, Rajkot has been challenged on the ground that there is no justification or reason for awarding various benefits to the daily rated workers. The Industrial Court has also committed an error in considering the Government

Resolution dated 16-7-1981 Annexure-B. The increments awarded to the daily rated workers are contrary to the Government Resolution. It is also stated that the impugned award is not consistent with the Government Resolution dated 17-10-1988.

2. The Industrial Tribunal, Rajkot after going through the material on record came to a conclusion that the daily rated workers were working on the establishment for the years together and therefore they are entitled to benefits as work charge with effect from 1-4-1987 and if their service had remained continued for a period of 7 to 10 years, they are entitled to get one increment and those workers who have rendered their service for 10 to 15 years, they are entitled for two increments and those workmen who have put their service for more than 15 years, they are entitled to three increments.

3. Nothing is stated in this writ petition on what ground the award passed by the Industrial Tribunal is erroneous, illegal and unjustified. There is no specific ground for challenging the same. It would not be sufficient to say that the award of the Industrial Tribunal is erroneous, arbitrary and illegal. But for that purpose, the petitioner is required to give specific ground or reason to show that the matter could be examined in the light of the grounds. In the present case, nothing has been mentioned in the writ petition in support of the petition. So far as the Government Resolution dated 17-10-1988 is concerned, it is not applicable in the facts and circumstances of this case as it has been passed later on and nothing has been done by the Government later on, the award cannot be challenged on the basis of certain decision of the Government later on.

4. I have carefully considered the submissions made by the learned State Counsel and perused the relevant papers on record.

5. I do not find any good ground calling for interference by this Court in exercise of power under Article 226 of the Constitution of India as the Industrial Tribunal has jurisdiction to consider and decide the matter in dispute. Therefore, this petition deserves to be dismissed. Accordingly, this petition is dismissed. Rule is discharged with no order as to costs. Interim relief, if any, stands vacated.

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/JVsatwara/